

REMARKS

The drawings were objected to under 37 CFR 1.83(a). Claim 27 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 was also rejected under 35 U.S.C. §101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. Claims 14 to 16, 18 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,577,389 to Albertson et al. (hereinafter "Albertson"). Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Albertson. Claims 17, 21, 22, 23, 24, 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Albertson in view of U.S. Patent No. 3,520,330 to Szwargulski (hereinafter "Szwargulski"). Claim 21 and claim 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Albertson in view of U.S. Patent No. 4,532,768 to Focquer (hereinafter "Focquer"). Claim 25 was objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14, 16, 17, 19, 20, 22 to 26 and 28 have been amended to more particularly and distinctly claim the invention, claims 21 and 27 have been canceled, and new claims 29 to 34 have been added.

Reconsideration of the application based on the following remarks is respectfully requested.

Drawing Objections

The drawings were objected to under 37 CFR §1.83(a). The Office Action asserts that the "permeable seal" of claim 25 must be shown or the feature canceled from the claim. The single drawing sheet is hereby amended to show the "permeable seal" disclosed in the specification at paragraph [0005] and a replacement drawing sheet is submitted concurrently

herewith. The specification has been amended to include ref. no. 27 for the permeable seal identified in the specification.

Rejections under 35 U.S.C. § 101 / § 112

Claim 27 was rejected under 35 U.S.C. §101 on the basis that it claimed the recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. Claim 27 was also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 is canceled by this amendment, rendering the rejections under 35 U.S.C. § 101 and § 112 moot.

Rejections under 35 U.S.C. §102(b)

Claims 14 to 16, 18 and 20 were rejected under 35 U.S.C. § 102(b) as being unpatentable as anticipated by Albertson.

Albertson discloses a rupture disk fragment collection trap for refrigeration systems. "The apparatus comprises a rupture disk; a pressure relief valve; a passageway connected between the rupture disk and the pressure relief valve; and a trap in the passageway for preventing interference with the operation of the pressure relief valve by debris passing through said passageway following rupture of the rupture disk." (Albertson, Col. 2, lines 55 to 61). The pressure relief valve 27 is a conventional pop-off relief valve. (Id., Col. 6, lines 18 to 25).

Claim 14 has been amended to recite "[a] compressor, comprising:
a safety device for limiting high pressure within a chamber of the compressor, comprising a rupture disk and a pressure relief valve, the rupture disk and the pressure relief valve forming a region there-between, the rupture disk having a first side connected to the compressor chamber and a second side connected to the region, the rupture disk hermetically sealing the chamber from the region until a pressure of the compressor chamber exceeds a predetermined level, the pressure relief valve having a predetermined leakage of atmospheric

pressure into the region while the pressure of the compressor chamber is below the predetermined level and configured to allow a slow release of the system pressure after the pressure of the compressor chamber exceeds the predetermined level.” (emphasis added).

As admitted in the Office Action on page 5, Albertson fails to teach or show the limitation of “the pressure relief valve having a predetermined leakage of atmospheric pressure into the region while the pressure of the compressor chamber is below the predetermined level” required by amended claim 14. Since Albertson does not show the all the limitations of claim 14, it cannot render claim 14 unpatentable as anticipated.

Withdrawal of the rejection of independent claim 14 and dependent claims 16, 18 and 20 under 35 U.S.C. §102(b) is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claim 19

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Albertson.

Albertson is discussed above.

Claim 19 is now directly dependent on amended claim 14. Thus, in light of the discussion above regarding independent claim 14, withdrawal of the rejection of claim 19 under 35 U.S.C. §103(a) is respectfully requested.

Claims 17, 21, 22, 23, 24, 26 and 28

Claims 17, 21, 22, 23, 24, 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Albertson in view of Szwargulski.

Albertson is discussed above.

Szwargulski discloses a porous ball valve for use as a carburetor choke valve. (Szwargulski, Col. 1, lines 19 to 20). “[T]he moving element of the valve is made porous, and the moving element is preferably in the form of a ball, since a ball is likely to have the

maximum amount of movement.” (Id., Col. 1, lines 46 to 49). “[T]he ball 14 may be spring biased by a spring between it and barrier 18...A check valve of the type shown in Fig. 1 permits flow in the forward or upward direction and restricts flow in the reverse or downward direction. It is necessary, however, in some applications of check valves to permit bleeding or limited flow in the reverse direction.” (Id., Col. 2, lines 3 to 10).

Claims 17, 22, 23, 24 and 26 are dependent, directly or indirectly, on claim 14. Claim 28 recites “[a] safety device for a compressor in an air-conditioning system of a motor vehicle, the safety device comprising:

a rupture disk in contact with a refrigerant of the air-conditioning system and configured to rupture when a pressure of the refrigerant exceeds a first predetermined pressure; and

a pressure valve disposed in a closed position downstream of the rupture disk, and configured to open at a second predetermined pressure lower than the first predetermined pressure so as to release refrigerant in the event of a rupture of the rupture disk, a predetermined leak being associated with the pressure valve in the closed position so as to allow atmospheric pressure to contact a downstream side of the rupture disk when the rupture disk is intact and to allow a slow leak of the refrigerant when the rupture disk is ruptured and when the pressure of the refrigerant is below the second predetermined pressure.” (emphasis added).

As admitted in the Office Action on page 5, Albertson fails to teach or disclose the limitation of “the pressure relief valve having a predetermined leakage of atmospheric pressure into the region while the pressure of the compressor chamber is below the predetermined level” required by amended claim 14 or the limitation of “a predetermined leak being associated with the pressure valve in the closed position so as to allow atmospheric pressure to contact a downstream side of the rupture disk when the rupture disk is intact,” as required by claim 28. Furthermore, it would not have been obvious to one of ordinary skill in the art to modify the conventional pop-off relief valve of Albertson with the carburetor choke valve of Szwargulski. Clearly these two valves are very different and one of skill in the art

would not ordinarily substitute one for the other. Nor does the Office Action provide any reason or motivation why one of ordinary skill in the art would have substituted the Szwargulski carburetor choke valve for the conventional pop-off relief valve of Albertson. Since Albertson does not disclose all the limitations of independent claims 14 and 28, and since Szwargulski is not properly combinable with Albertson, claims 17, 22, 23, 24, 26 and 28 are not unpatentable as obvious over the Albertson in view of Szwargulski and the withdrawal of the rejection of these claims under 35 U.S.C. §103(a) is respectfully requested.

Claim 24

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Albertson in view of Focquer. Claim 24 is dependent on claim 14.

Focquer discloses “a hydraulic valve device for a hydraulic circuit suitable for controlling clutches, brakes and other similar mechanisms.” (Focquer, Col. 1, lines 6 to 8).

As discussed above, Albertson fails to teach or disclose the limitation of “the pressure relief valve having a predetermined leakage of atmospheric pressure into the region while the pressure of the compressor chamber is below the predetermined level” required by amended claim 14. Furthermore, it would not have been obvious to one of ordinary skill in the art to modify the conventional pop-off relief valve of Albertson with the hydraulic valve device of Focquer. As with Szwargulski, the valve of Focquer is very different from that of Albertson and one of skill in the art would not ordinarily substitute one for the other. Nor does the Office Action provide any reason or motivation why one of ordinary skill in the art would have substituted the Focquer hydraulic valve device for the conventional pop-off relief valve of Albertson. Since Albertson does not disclose all the limitations of independent claim 14, and since Focquer is not properly combinable with Albertson, claim 24 is not unpatentable as obvious over the Albertson in view of Focquer. Withdrawal of the rejection of claim 24 under 35 U.S.C. §103(a) is respectfully requested.

Allowable Claims

Claim 25 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 25 is hereby amended to be in independent form. Withdrawal of the objection to claim 25 is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

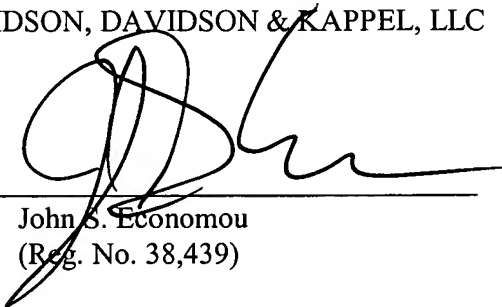
If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

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By: _____


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